

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | § | Attorney Docket No. 31132.163 / PC914.01 |
| Trieu, et al. | § | |
| | § | Customer No. 46333 |
| Serial No.: 10/701,547 | § | |
| | § | Group Art Unit: 3738 |
| Filed: November 5, 2003 | § | |
| | § | Examiner: Snow, B. |
| For: Compressible Corpectomy Device | § | |

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

No fees, including extension of time fees, are believed necessary for consideration of the present paper. However, if any fees, including extension of time fees, are necessary, the extension of time is hereby requested, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

In response to the Office Action mailed October 2, 2006, Applicant elects Group I, which includes claims 1-32 and 38-45. The Applicant further elects the embodiment of Species 1 as seen in Figures 2a, 2b, and 3. Please note that Figures 2b and 3 are alternate views of the embodiment of Figure 2a. The Applicant further elects the embodiment in which the elastomer comprises polyurethane. This species includes claims 1-12, 15, 16, 18, 19, 21, 27-29, 38, 40, 44, and 45. It is understood that each of the claims 1-12, 15, 16, 18, 19, 21, 27-29, 38, 40, 44, and 45 are generic in that the claims read on the elected species and at least one other species.